

REMARKS

Claims 1-22 were pending is the instant application. No claims have been added. Claims 21 and 22 have been cancelled. Therefore, upon entry of this instant Amendment, claims 1-20 will be pending.

Reconsideration of this application, in view of the foregoing amendments and the following remarks, is respectfully requested.

Response to Arguments

Examiner disagrees with Applicants' argument that the invention does not rely on feedback using paragraph [0032] of the specification. The paragraph reads in full

In one embodiment of the present invention, full knowledge of the channel may exist at the transmitter. In an alternative embodiment, a knowledge of the channel based on statistical or average channel information may be employed at the transmitter. In yet another embodiment, limited feedback from the receiver to the transmitter may be employed wherein a limited number of bits are sent from the receiver to the transmitter and employed in the selection of the constellation set P , the weighting matrix W_i , or appropriate parameters.

This paragraph which the Examiner relies upon presents alternative embodiments of the invention. Additionally the text reads with emphasis, "**limited** feedback from the receiver to the transmitter **may** be employed." Please note that the specification is talking about other embodiments and the word "may" has been used which refers to alternatives not the claimed invention. The Examiner also failed to place the term "limited" when quoting the specification. Examiner is improperly reading limitations into the claims. In any event, the Applicants' have amended the claims to specifically recited the non-use of feedback and that the system and methods claimed are constant rate.

Claim Rejections - 35 USC § 103

The claims are rejected under 35 U.S.C. §103(a) as being unpatentable over Ketchum et al. (US Patent Publication 2003/0108117) in view of Kamen et al. (Fundamentals of and Systems Using Web and MATLAB, second edition, Prentice Hall 2000, page 186 -187). Applicant respectfully traverse this rejection.

Applicants have amended claims 1, 8 and 15 to specifically recite the non-use of feedback. Claims 2-7 are dependent upon claim 1, Claims 9-14 are dependent upon claim 8, Claims 16-20 are dependent upon claim 15.

Applicants believe this application and the claims herein to be in a condition for allowance and respectfully requests a Notice of Allowance or Advisory Action. Please charge any additional fees, or credit overpayment to Deposit Account No. 20-0668. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicants.

Respectfully submitted:

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